Department of Justice Canada | Ministère de la Justice Canada | Canada

Speech for the
Minister of Justice and Attorney General of Canada,
Vic Toews, Q.C.
Homicide Investigators Conference
Winnipeg , Manitoba
11 June 2006

Check against delivery.

Introduction

Thank you, [MC], for your kind introduction.

I very much appreciate the opportunity to be here today. It is always a pleasure to come back home and see some familiar faces. I would like to extend special thanks to Chief Jack Ewatski for this invitation. More importantly, I wish to extend my gratitude to him for his many years of service to our city, and for the excellent leadership he continues to provide. Thank you, Chief Ewatski.

The Winnipeg Police Service has a long and proud tradition of community service. Each and every day, you put your lives on the line to help uphold the law and preserve the peace. More than anyone, you understand what it takes to build a safe, healthy society.

Canadians—from coast to coast—want their police forces to tackle crime and help create safe communities. But, clearly, changes are needed in our justice system if we are to make that vision a reality.

In the past federal election, Canadians chose change. This government has responded by setting out five key priorities—a focused agenda for real change. These priorities are: passing the *Federal Accountability Act*, cutting the GST, making our communities safer by cracking down on gun, gang, and drug crime, giving parents a choice in child care, and establishing a Patient Wait Times Guarantee.

As Minister of Justice and Attorney General in our new government, I am working closely with my colleague, the Minister of Public Safety, Stockwell Day, to tackle crime. Together, thanks to the support of front-line professionals like yourselves, we are delivering on our government's priority of making Canada's streets and communities safer.

Since becoming Minister of Justice, I have had the opportunity to meet with police from across the country. I've met face to face with chiefs of police, and both the Prime Minister and I spoke to the Canadian Professional Police Association's annual conference in Ottawa. Your message to us, as always, has been loud and clear—our laws seem more focused on the rights of criminals than the rights of law abiding citizens. You have been voicing this concern for years. Our new government has responded.

This morning, I'd like to discuss some of our new government's plans for strengthening our justice system. As we move forward, Canadian families will see real reforms that will help them feel safe and secure in their communities.

Getting Tough on Violent Crime

Our top priority is to tackle violent crime. In Canadian cities— Toronto, Vancouver, Montreal, and notably here in Winnipeg—violent crime is a serious problem. The Winnipeg Police Service, and all citizens of the city, will understand that the streets here simply aren't as safe as they were twenty or even ten years ago.

I call Manitoba home. I was proud to serve as the provincial Minister of Justice here. I'm proud to represent Manitoba now in the federal cabinet. As both a citizen and a servant of the province, I share the concerns of this community about violent crime.

In fact, our government has heard a clear message from all Canadians about violent crime. They are fed up with watching their local evening news provide a steady stream of violence and criminal misconduct.

Dealing with this issue has now become a primary concern for Canadians. The time has come for us to toughen our approach. Violent offenders and other serious offenders deserve more than a slap on the wrist. Canadians want us to crack down.

When it comes to violent crime, this government has made a firm commitment. We understand that there is nothing more important to any government than the protection of its citizens. We know it's a big challenge. But it can be done, and it will be done.

Last month, the Government of Canada introduced two Bills that will reform our laws so that serious crimes are met with significant consequences.

One Bill will put an end to the use of conditional sentences—including house arrest—for serious and violent offences.

As you know, a conditional sentence allows convicted offenders to serve their sentences in the community, sometimes under house arrest, as opposed to staying in jail. The inappropriate use of conditional sentences has been a big concern of police for many years—essentially since their inception by the former Liberal government. After assuring Canadians that the most serious offenders would not be subject to conditional sentences. You know that too often this has not been the case.

Our reforms will tighten up the law, removing the option for serious violent and sexual offenders to receive a conditional sentence. Our reforms will ensure a cautious and more appropriate use of conditional sentences, reserving them for less serious offences that pose a lower risk to community safety.

The other Bill we introduced will toughen the mandatory minimum penalty sentences for crimes involving firearms. When it passes—which I hope will occur quickly—serious offences involving firearms will be subject to the very tough sentences they deserve.

If an offence is gang-related, or if a restricted or prohibited firearm such as a handgun is used, the minimum penalty will be:

- five years on a first offence;
- seven years if the accused has one prior conviction for a firearm-related offence; and
- ten years if the accused has more than one prior conviction for firearm-related offences.

Other firearm-related offences, such as firearms trafficking and smuggling, or the new offence of stealing a firearm in the commission of a robbery will also be subject to higher escalating minimum

penalties.

With these two Bills, the Government is taking its first steps toward meeting its commitment to protect Canadian families and communities by tackling violent crime and keeping criminals off the street.

Getting tough on violent crime serves as both a means and a message: it proclaims that we believe in a peaceful society—a society that does not tolerate acts of violence. It also serves to protect us from violent offenders by taking them off the street, rather than sending them back into the community to commit more crimes.

By removing these violent offenders from our communities, it is my hope that these two Bills will, over time, have a positive impact on Winnipeg's homicide and violent crime rates.

National DNA Data Bank

I am also pleased to announce that we have just tabled a new series of technical amendments that will strengthen our DNA data bank legislation. The National DNA data bank has proven itself to be a powerful crime-solving tool for police forces across the country. It helps our law enforcement officers to focus leads, eliminate suspects, and exonerate the innocent.

The new amendments that we have introduced may be technical in nature, but they will have a powerful impact. They will:

Make it an offence to fail to appear for DNA sampling (which would be similar to the offence for failing to show up for fingerprinting);

- Add attempted murder and conspiracy to commit murder to the offences covered by the retroactive provisions, which apply to offenders convicted of a single murder, sexual offence, or manslaughter prior to June 30, 2000, when the legislation that enabled the creation of the National DNA Data Bank came into force;
- Ensure information provided by the National DNA Data Bank can be used to investigate all criminal offences ;
- Simplify the procedure to destroy samples taken from those convicted of an offence not intended to be included in the DNA data bank;
- Help to ensure DNA data bank orders can be carried out even when, for logistical reasons, it may not be possible to take the sample at the precise time set out in the order; and,
- Clarify definitions and procedures for obtaining a DNA data bank order and for sharing information with international law enforcement partners.

As you well know, the DNA data bank has been an invaluable tool for homicide investigators. It has led to prosecutions in murder cases that would have been difficult or impossible without this technology. It has also helped provide crucial leads in some unsolved cases, including the 1984 murder of Mrs. Beverley Dyke, here in Winnipeg. Thanks to DNA evidence, a first-degree murder charge has now been laid against a man who was in prison for a separate crime.

I believe the reforms that we have introduced will further increase the efficiency of the system, to the benefit of the Winnipeg Police Service and the detriment of criminals. And we will not stop here. In addition to these current amendments, my government will work to make further improvements in DNA legislation -- improvements designed to enlist DNA technology even more effectively in the battle against crime and criminals.

Strengthening the *Youth Criminal Justice Act*

Another priority justice issue that we will address over the coming year is strengthening the *Youth Criminal Justice Act*. Just as adult offenders must be accountable to society, so too must young offenders. The youth criminal justice system must provide effective punishment for adolescents who commit serious crimes. It must instil a sense of responsibility in young offenders for their behaviour, and it must give young people better opportunities for rehabilitation.

There are many ways that we can improve our existing legislation. As just one example, I believe our youth justice system would be strengthened by amending the *Youth Criminal Justice Act* to include deterrence and denunciation as mandatory sentencing principles.

The bottom line is that the *Youth Criminal Justice Act* has imperfections that must be fixed. By strengthening this legislation, we will make young offenders accountable to both their victims and to the community.

Law Enforcement and Public Safety

Our commitment to tackling crime includes a commitment to supporting you: our country's police forces. The new government will ensure that we have enough police officers to effectively enforce all our laws, in all parts of the country.

According to the Department of Public Safety, Canada currently faces a shortage of some 1,000 RCMP officers. To correct this situation, our new government intends to take some strong measures.

Budget 2006 reflects the Government of Canada's commitment to support law enforcement with an investment of $161 million. These funds will enable us to hire the additional 1,000 RCMP officers required, as well as support federal prosecutors who will focus on such law-enforcement priorities as drugs, border security, and gun smuggling.

And last month, the Minister of Public Safety, Stockwell Day, took the first steps to meet our longstanding commitment to eliminate the long-gun registry. Our plan will help us better meet law enforcement needs while reducing burdens on law-abiding long-gun owners. It includes the transfer of responsibility for the *Firearms Act* from the Canada Firearms Centre to the RCMP, and a $10 million reduction of its annual operating budget—savings that will be reinvested to help support federal policing.

In addition to the shortages at the federal level, many provincial and municipal police forces are under-funded and overstretched.

For cities like Winnipeg, we are looking at options for a new cost-shared program with provincial and municipal governments to put more police on the beat, so that we can properly meet the law enforcement needs of our communities.

The concept is simple. Having more police on our streets makes our streets safer. I have always supported this approach to community safety, and I will continue to make it a key element of our government's crime strategy.

Victims of Crime

One final justice priority that I wish to mention is support for victims of crime. In April, during the launch of the first National Victims of Crime Awareness Week, Minister Day and I heard the concerns of victims of crime and their families.

Victims of crime feel that our criminal justice system puts the rights of criminals ahead of compassion for those who have been injured, had their property and privacy violated, or are

mourning the loss of a loved one.

These people must know that they are not alone. And all of us must play a role in helping to change attitudes, raise awareness, and meet the basic needs of victims of crime.

But we cannot promote victim issues if we are content to simply maintain established programs and legislation. It's not acceptable that even as we make progress on victims issues, some victims still feel they lack a voice. We must work together to strengthen their voices, listen to their concerns, and respond to them.

As an example, victims have told us that attendance at Parole Board hearings is essential but costly. In response, *Budget 2006* provides $26 million to give victims a more effective voice in the federal corrections and justice system, and to give victims greater access to services, such as travel to appear at parole hearings.

With this support, more victims will be able to take the opportunity to attend the parole hearing—if they choose to do so—simply to observe or to present their victim impact statement.

In all our endeavours, the Government of Canada will continue to advocate on behalf of victims of crime. Their voices will be heard and they will be treated with dignity.

Conclusion

Canadians have told us what they want from government and what their priorities are. This government has listened, and will act. My Conservative colleagues and I will be working hard with all Members of Parliament to deliver on every one of our commitments.

In closing, I wish to thank you once again for inviting me to speak to you today, and thank you for the work you do to support this great city. I admire your courage, your compassion, and your dedication to duty.

I wish you all a productive and inspiring conference. Thank you.

Date Modified: **2008-04-14**